

OCCUPATION OF TEMPORARY QUARTERS AND INSTALLATIONS

Exchange of notes at Manila March 26 and 28, 1949

Entered into force March 26, 1949

*Expired May 15, 1949, in accordance with its terms*¹

Department of State files

*The American Chargé d'Affaires ad interim to the Secretary of Foreign
Affairs*

EMBASSY OF THE
UNITED STATES OF AMERICA
MANILA, March 26, 1949

No. 0310(B)

EXCELLENCY:

I have the honor to refer to the Agreement Between the United States of America and the Republic of the Philippines Concerning Military Bases signed at Manila on March 14, 1947² and, in particular, to paragraph 1, Article XXI of that Agreement which limits the right of the United States to occupy temporary quarters and installations then existing outside the bases listed in Annex A and Annex B of the Agreement for a reasonable time not exceeding two years, but which also reserves for my Government the right, if circumstances require, to negotiate with Your Excellency's Government with a view to extending the right of the United States armed forces to continued occupation of temporary quarters and installations beyond the date March 26, 1949.

My Government has indicated its intention to honor the aforementioned provisions of the Agreement by opening negotiations with Your Excellency's Government on March 9, 1949 with a view to relinquishing to the Philippine Government such temporary quarters and installations whose use was no longer required by the United States armed forces, and further with a view to requesting the retention by the United States of certain other temporary quarters and installations, necessary adjuncts to the roll-up program of the

¹ For extension of term of occupancy, see agreement of May 14 and 16, 1949 (TIAS 1967), *post*, p. 175.

² TIAS 1775, *ante*, p. 55.

United States armed forces in withdrawing to the permanent bases listed in Annex A of the Agreement. Certain difficulties in concluding mutually satisfactory agreements regarding these matters have delayed the final formalization of the contemplated transfers and authorization for continued occupancy. Therefore I desire to propose to Your Excellency a *modus vivendi* to be exchanged between our respective Governments to cover the existing status quo regarding temporary quarters and installations of the armed forces of the United States.

"The Government of the Republic of the Philippines recognizes that the United States has signified its intention to honor the provisions of Article XXI of the Military Bases Agreement by entering into negotiations with the Philippine Government prior to the date set in that Agreement for the relinquishment or extension of certain quarters and installations occupied by the United States Army in the Philippines. Inasmuch as the Philippine Government recognizes that no mutually satisfactory agreement will be reached with the United States Government before March 26, 1949 pursuant to paragraph 1, Article XXI of the Bases Agreement to make legal the continued occupation of certain quarters and installations in the Philippines by the United States Army after March 26, 1949, the Philippine Government hereby extends the right of the United States Army to continue the occupation of the temporary quarters and installations as enumerated in Annex 1 of the proposed Note Two and the annex to the proposed Note One now being discussed between the two Governments until such time, but not later than May 15, 1949, as a formal agreement for the extension of such occupation shall have been reached."

I desire to inform Your Excellency that an acknowledgment of the receipt of this note stating that the terms of the proposed *modus vivendi* are acceptable to the Philippine Government will be considered by the Government of the United States as acceptance by the Government of the Republic of the Philippines of the present temporary status quo regarding quarters and installations in the Philippines presently occupied by the armed forces of the United States, and outside Annex A and Annex B bases, until such time as a permanent final agreement may be mutually decided upon.

Accept, Excellency, the renewed assurances of my highest consideration.

THOMAS H. LOCKETT
Charge d'Affaires a. i.

His Excellency
ELPIDIO QUIRINO
*Secretary of Foreign Affairs
of the Republic of the Philippines*

*The Undersecretary of Foreign Affairs to the American Chargé d'Affaires
ad interim*

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

MARCH 28, 1949

SIR:

I am pleased to acknowledge the receipt of your Note No. 0310(B) expressing the intention of your Government to honor the provisions of the Military Bases Agreement between the United States of America and the Republic of the Philippines signed at Manila on March 14, 1947 and, in particular, of paragraph 1, Article XXI of that Agreement by opening negotiations with this Government on March 9, 1949 with a view to relinquishing to the latter such temporary quarters and installations whose use was no longer required by the United States armed forces, and further with a view to requesting the retention by the United States of certain other temporary quarters and installations, necessary adjuncts to the roll-up program of the United States armed forces in withdrawing to the permanent bases listed in Annex A of the Agreement; and proposing a *modus vivendi* to be exchanged between our respective Governments to cover the existing status quo regarding said temporary quarters and installations in view of certain difficulties which have delayed the formalization of mutually satisfactory agreements concerning the contemplated transfers and authorization for continued occupancy.

In reply, I have the honor to state that in so far as the temporary quarters and installations enumerated in Annex 1 of the proposed Note Two are concerned, my Government hereby accepts the proposed *modus vivendi* under the following terms and conditions:

[For text of *modus vivendi*, see U.S. note above.]

As regards the temporary quarters and installations listed in Annex 1 of Note One, which are admittedly no longer needed by the United States armed forces, I regret to state that in view of the mandatory provision of paragraph 1 of Article XXI of the Military Bases Agreement which terminates the right of the United States armed forces to occupy said temporary quarters and installations at the end of two years, the Philippine Government is constrained to consider, as it hereby considers, the aforesaid temporary quarters and installations as delivered to my Government effective March 27, 1947. According to information facilitated to the Department of Foreign Affairs by the United States Embassy, these temporary quarters and installations are on this date no longer being occupied by the United States armed forces, with the exception of Cuartel de España, Intramuros, Manila, including the Santa Lucia Barracks, in which only security guards have been retained awaiting to be replaced by guards of the Philippine Government. It appearing that the continued occupation of said temporary quarters and

installations is no longer required by circumstances of military necessity, the Executive Branch of my Government is without authority to grant an extension of time for the continued occupation of the said quarters and installations.

Accept, Sir, the renewed assurances of my high consideration.

FELINO NERI
Undersecretary

The Honorable
THOMAS H. LOCKETT
Chargé d'Affaires ad interim
American Embassy
Manila